

A.G. CONTRACT NO. 88-0549-TRD

ECS FILE: IGA-87-08

PROJECT: SBM-028-1-311PE, -511C  
SECTION: Power Road - U.S. 60  
Phase I

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
MARICOPA COUNTY

THIS AGREEMENT entered into this 14th day of March, 1988, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the COUNTY OF MARICOPA, acting by and through its duly elected governing body, hereinafter called "County".

WHEREAS, State is empowered by Sections 11-952 and 28-108 Arizona Revised Statutes to enter into this agreement and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement, and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of State; and

WHEREAS, County is empowered by Section 11-251, Subsection 29 Arizona Revised Statutes to enter into this agreement and acting by and through its duly elected governing body has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of County; and

WHEREAS, County desires to construct roadway improvements to Sossaman Road from Baseline Road to University Drive; and

WHEREAS, State desires to construct the Superstition Freeway (S.R. 360) from Power Road to Ellsworth Road including construction of an overpass at Sossaman Road crossing the Superstition Freeway; and

FILED WITH SECRETARY OF STATE

NO. 12818

Date Filed 3-22-88

Karen Robinson  
Acting SECRETARY OF STATE

WHEREAS, County agrees to construct, in conjunction with roadway improvements made by County to Sossaman Road from Baseline Road to University Drive, a temporary roadway (detour) for Sossaman Road within State right-of-way for S.R. 360 to accommodate traffic flow until the construction of S.R. 360 is completed by State, to construct curb and gutter modifications to Sossaman Road on the south side of S.R. 360 from approximate Station 32+00 to Station 36+36 within County right-of-way, and to construct certain roadway improvements to Sossaman Road within State right-of-way necessitated by freeway construction; said improvements detailed on the map attached hereto and made a part hereof as Exhibit A; and

WHEREAS, County and State agree to share responsibilities for the design and construction of improvements for the intersection of the Superstition Freeway (S.R. 360) and Sossaman Road;

THEREFORE, the parties hereto agree as follows:

COUNTY SHALL:

1. Prepare plans for roadway improvements to Sossaman Road from Baseline Road to University Drive, including curb and gutter modifications to Sossaman Road on the south side of S.R. 360 from approximate Station 32+00 to Station 36+36 within County right-of-way and certain roadway improvements within State right-of-way necessitated by freeway construction.

2. Review plans prepared by State for a temporary roadway (detour) for Sossaman Road within State right-of-way for S.R. 360 and include said temporary roadway (detour) improvements in the construction contract for the roadway improvements to Sossaman Road from Baseline Road to University Drive.

3. Contract for construction of said roadway improvements for Sossaman Road from Baseline Road to University Drive, including said temporary roadway (detour) improvements; supervise construction; make all payments to the contractor; and approve and accept the new and temporary facilities.

4. Assume all maintenance responsibilities for Sossaman Road within State right-of-way for S.R. 360 during construction of improvements to Sossaman Road from Baseline Road to University Drive. \*

STATE SHALL:

1. Prepare plans for temporary roadway (detour) within State right-of-way to be included with plans for roadway improvements to Sossaman Road from Baseline Road to University Drive prepared by County.

2. Provide said temporary roadway (detour) plans to County for review.

3. Provide to County all required construction easements and permits within State right-of-way for construction of roadway improvements for Sossaman Road from Baseline Road to University Drive.

4. Prepare plans for construction of the Superstition Freeway (S.R. 360) from Power Road to Ellsworth Road.

5. Include in the plans for the Superstition Freeway from Power Road to Ellsworth Road an overpass at Sossaman Road across the Superstition Freeway to replace the temporary roadway (detour) constructed by County.

6. Deposit with County cash in the amount of FIFTY FOUR THOUSAND AND SIXTY DOLLARS (\$54,060) for construction of curb and gutter modifications within County right-of-way on the south side of S.R. 360 and roadway improvements within State right-of-way as necessitated by the freeway construction, as detailed on Exhibit B attached hereto and made a part hereof. Said costs based on actual construction contract bid amounts and mutually agreed upon quantities for respective bid items.

7. In addition to all costs as heretofore mentioned, pay all reasonable costs related to construction change orders, delays, or valid claims for extra compensation made by the contractor for construction of curb and gutter modifications within County right-of-way and roadway improvements within State right-of-way as necessitated by the freeway construction.

8. Retain maintenance responsibilities for the temporary roadway (detour) within State right-of-way for S.R. 360 upon completion of construction of said temporary roadway by County.

THIS AGREEMENT shall remain in full force and effect until completion of said construction projects as aforesaid; provided, however, that this agreement may be canceled at any time prior to the commencement of construction upon 30 days' written notice to the other party.

THIS AGREEMENT shall become effective on the date of filing same with the Secretary of State.

Both parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511 Arizona Revised Statutes.

Both parties further recognize that the provisions of Section 35-214 Arizona Revised Statutes are applicable to this contract.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (B) and (C) of Arizona Revised Statutes as amended.

Attached hereto and incorporated herein by reference is a copy of State's Resolution authorizing entry into this agreement, a copy of County's Resolution passed by its duly elected governing body, a copy of the written determination of the appropriate attorney that County is authorized under the laws of this State to enter into this agreement and said agreement is in proper form, and a copy of the Attorney General's Intergovernmental Agreement Determination.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

COUNTY OF MARICOPA

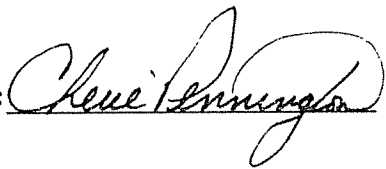
STATE OF ARIZONA  
DEPARTMENT OF TRANSPORTATION

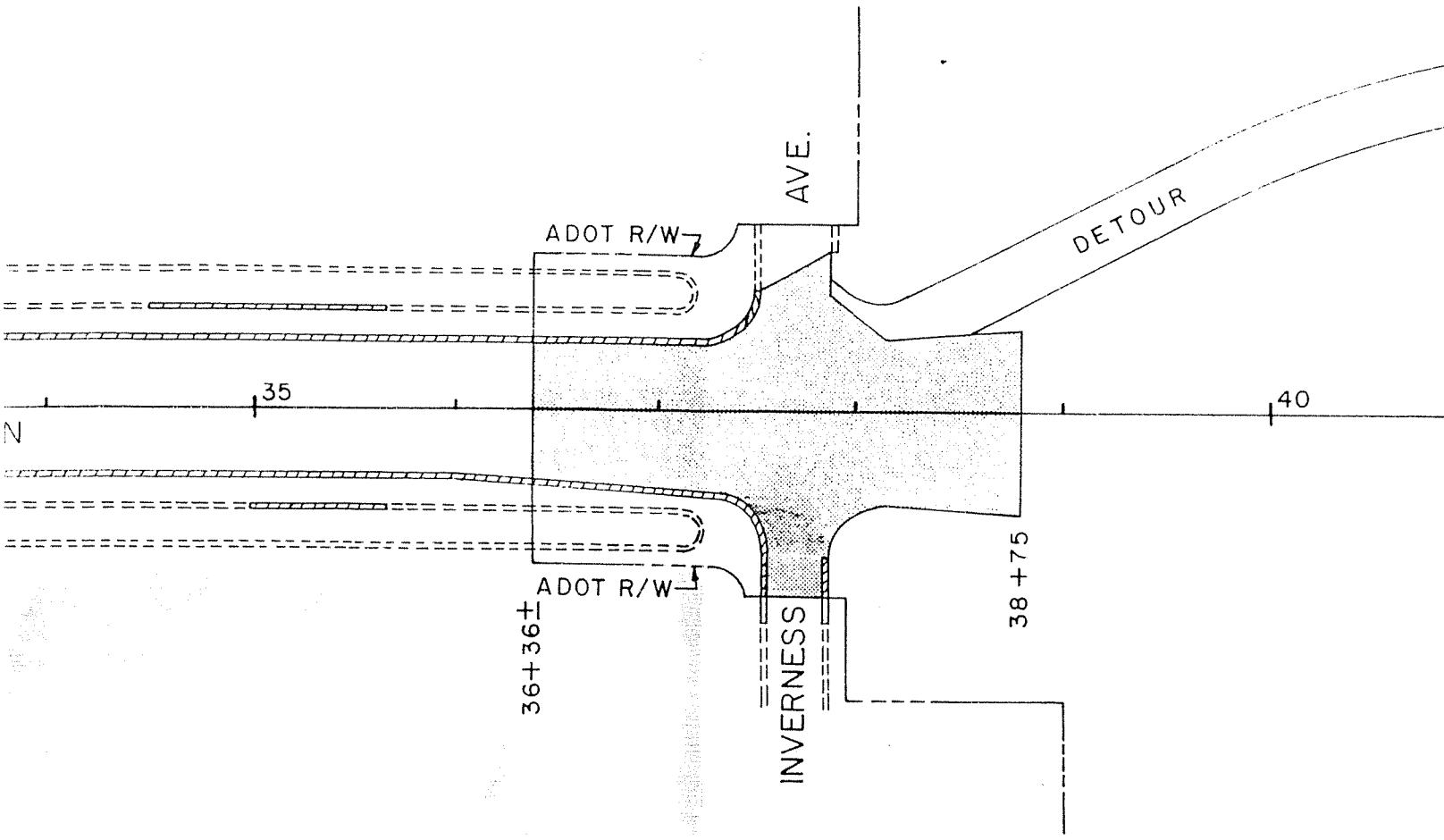
BY: 

BY: 

W. O. Ford  
State Engineer

TITLE: CHAIRMAN FEB 22 1988

ATTEST: 



County

**EXHIBIT A**  
NOT TO SCALE

ECS FILE: IGA-87-08

PROJECT: SBM-028--1-311PE, -511C  
SECTION: Power Road - U.S. 60  
Phase I

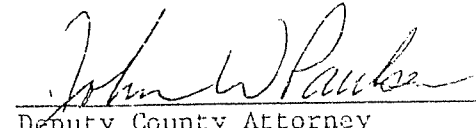
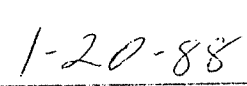
## EXHIBIT B

TO

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
MARICOPA COUNTY

Description	Quantity	Unit Price	Amount
Subgrade Preparation	1 L.S.		\$ 5,973
4" A.C. Pavement	1,186.4 Ton	\$ 21.70	25,745
2 1/2" A.C. Pavement	22.8 Ton	\$ 21.70	495
7" ABC	1,991 Ton	\$ 4.60	9,158
8" ABC	72.5 Ton	\$ 4.60	333
Bituminous Prime Coat	10 Ton	\$ 212	2,120
Curb and Gutter	1,537 L.F.	\$ 4.30	6,609
Sidewalk	757 S.F.	\$ 1.10	833
Miscellaneous Removals	1 L.S.		667
Adjust 7 Water Valves	7 Each	\$ 154	1,078
Adjust 2 Manholes	2 Each	\$ 337	674
Construct Retaining Wall	1 L.S.		375
TOTAL REIMBURSABLE COSTS			\$ 54,060

The attached agreement is in proper form and within the power and authority of the governing Board to execute.

  
 Deputy County Attorney  
  
 (Date)

MARICOPA COUNTY BOARD OF SUPERVISORS  
AGENDA INFORMATION FORM

LOW ORG. NO. 6420 DEPARTMENT: HIGHWAY/ENGINEERING CONTROL NUMBER: HD - 187-88  
ENCUMBRANCE NO. CS881013 AGENCY: PUBLIC WORKS CONTROL NUMBER: PW - 187-88

**1. BRIEF DESCRIPTION OF PROPOSAL AND REQUESTED BOARD ACTION:** It is recommended by the County Engineer that the Board of Supervisors approve an intergovernmental agreement with the Arizona Department of Transportation (ADOT) which provides for construction of a temporary roadway by the County to serve as a detour road during ADOT's later construction of an overpass at Sossaman Road crossing the Superstition Freeway. The agreement also provides for construction of a certain amount of permanent roadway pavement by the County within ADOT's right-of-way, and paid for by ADOT as a deposit to the County in the amount of \$54,060. This work performed by the County will be accomplished as a part of the improvement of Sossaman Road from Baseline Road to University Drive as a County project, Work Order No. 68361. Funds are budgeted in the amount of \$2,100,000 under Work Order No. 68361 (W786AP).

Upon approval by the Board of Supervisors, please return the original executed documents to Mr. Harry Keller, Assistant County Engineer, Highway Department.

Please return an executed copy to the Clerk of the Board of Supervisors.

Compliance with Maricopa County Procurement Code \_\_\_\_\_ article \_\_\_\_\_ paragraph \_\_\_\_\_

2. CONTINUED FROM MEETING OF _____ DISCUSSED IN MEETING OF _____	3.	THIS DEPARTMENT WILL CAUSE PUBLICATION CLERK OF THE BOARD TO CAUSE PUBLICATION
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**4. MOTION:** It is moved that the Maricopa County Board of Supervisors ... approve and authorize the execution of the intergovernmental agreement with the Arizona Department of Transportation (ADOT) for the County's construction of a temporary roadway for Sossaman Road across the Superstition Freeway and certain permanent paving within the Freeway right-of-way. ADOT will place \$54,060 on deposit with the County for the cost of the permanent paving. This work will be accomplished as part of a County project, Work Order No. 68361. Funds are budgeted in the amount of \$2,100,000 under this Work Order.

**5. FINANCIAL:** \_\_\_\_\_ Budgeted \_\_\_\_\_ Contingency \_\_\_\_\_ Budget Amendment \_\_\_\_\_ Transfer \_\_\_\_\_ Grant or other \_\_\_\_\_

\$ _____	Total Cost/Revenue	Fund	Financial Officer	Date
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6. PERSONNEL:  _____ Personnel Director _____ Date _____	7. DEPARTMENT: <u>Highway-6400</u> <i>copy to</i> <u>[Signature]</u> Action Recommended by _____ Date <u>1-26-88</u>
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8. MATERIALS MANAGEMENT:  _____ Materials Management Director _____ Date _____	9. LEGAL <u>[Signature]</u> Approved as to form and within the powers and authority granted under the laws of the State of Arizona to the Maricopa County Board of Supervisors.  _____ Deputy County Attorney _____ Date <u>1-27-88</u>
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10. OTHER: _____  _____ (Signature) _____ Date _____	11. APPROVED FOR AGENDA:  <u>R. C. Esterbrooks</u> _____ <u>1-28-88</u> Approving Official _____ Date _____
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12. BOARD OF SUPERVISORS: Action taken: <input checked="" type="checkbox"/> Approved _____ <input type="checkbox"/> Amended _____ <input type="checkbox"/> Disapproved _____ <input type="checkbox"/> Deleted _____ Continued to: _____ (Date and type of meeting)  <u>[Signature]</u> <u>2-22-88</u> Clerk of the Board _____ Date _____	13. RECOMMENDATION OF COUNTY MANAGER:  _____ Approve _____ Disapprove _____ Comments: _____  _____ County Manager _____ Date _____
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PROJECT: SBM-028-1-511C

SECTION: Power Road - Ellsworth Road

RESOLUTION

BE IT RESOLVED on this 30 day of June, 1987, that I, CHARLES L. MILLER, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Agreement with Maricopa County for the construction of roadway improvements within State right-of-way for S.R. 360 in the vicinity of Sossaman Road.

THEREFORE, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the State Engineer.

  
\_\_\_\_\_  
Charles Miller, Director  
Arizona Department of Transportation

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

RECEIVED  
MAR 22 1988

Engineering Consultants  
Services  
INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 88-0549-TRD, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 17<sup>th</sup> day of March, 1988.

ROBERT K. CORBIN  
Attorney General

James R. Redman  
Assistant Attorney General  
Transportation Division